

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. H-04-442
	§	
OTUKAYODE ADELEKE OTUFALE	§	
ISAAC SIMEON ACHOBE	§	
CHICHA KAZEMBE COMBS	§	
ANDRE' DION BROWN	§	
JOHN DAVID WILEY, III	§	
ANTHONY DWAYNE ESSETT	§	
OMAR ROBERTO FAHIE	§	
ERIC EARL CRAFT	§	
WILL BAILEY III,	§	

PRELIMINARY ORDER OF FORFEITURE

The Court now, based on the evidence at trial, the November 28, 2005 hearing, the jury verdicts rendered, and the Court's findings of facts and conclusions of law issued contemporaneously with this Order, enters this preliminary order of forfeiture.

The Court hereby,

ORDERS that the real property and improvements, including all buildings and fixtures, located at 13711 Cypress Pond Circle, Cypress, Texas 77429, legally described as:

Lot Six (6), Block Four (4), Lakewood Oaks Estates, Sec. 2, Harris County, Texas,

is forfeited to the United States. The Court further,

ORDERS that the real property and improvements, including all buildings and fixtures, located at 3106 Spring Ridge Drive, Manvel, Texas 77578, legally described as:

Lot Four (4), Block Two (2), Silvercreek, Section 3 (A0415ACH & B), Brazoria County, Texas,

is forfeited to the United States. The Court further,

ORDERS that Defendant Isaac Simeon Achobe shall forfeit to the United States of America \$25,560.00 (twenty-five thousand five hundred sixty dollars) in United States currency as to Counts 1, 4 and 5 and \$6,860.60 (six thousand eight hundred sixty dollars and sixty cents) in United States currency as to Counts 20 through 25. A money judgment is hereby awarded in favor of the United States and against the Defendant for \$25,560.00 and \$6,860.60 . The Court further,

ORDERS that Defendants Chica Kazembe Combs and Andre Dion Brown shall forfeit to the United States of America \$243,500.00 (two hundred forty-three thousand five hundred dollars) in United States currency as to Counts 1, 6 and 7 and \$169,038.02 (one hundred sixty-nine thousand thirty-eight dollars and two cents) in United States currency as to Counts 26 through 42. A joint and several money judgment is hereby awarded in favor of the United States and against each Defendant for \$243,500.00 and \$169,038.02. The Court further,

ORDERS that Defendant Otukayode Adeleke Otufale shall forfeit to the United States of America \$1,122,175.00 (one million one hundred twenty-two thousand one hundred seventy-five dollars) in United States currency as to Counts 1 through 3 and \$75,793.48 (seventy-five thousand seven hundred ninety-three dollars and forty-eight cents) in United States currency as to Counts 12 through 19. A money judgment is hereby awarded in favor of the United States and against the Defendant for \$1,122,175.00 and \$75,793.48. The Court further,

ORDERS that Defendants John David Wiley III and Anthony Dwayne Essett shall forfeit to the United States of America \$374,745.00 (three hundred seventy-four thousand seven hundred forty-five dollars) in United States currency as to Counts 1, 8 and 9 and \$517,314.37 (five hundred seventeen thousand three hundred fourteen dollars and thirty-seven cents) in United States currency as to Counts 43 through 72. A joint and several money judgment is hereby awarded in favor of the United States and against each Defendant for \$374,745.00 and \$517,314.37. The Court further,

ORDERS that Defendant John David Wiley III shall forfeit to the United States of America \$275,000.00 (two hundred seventy-five thousand dollars) in United States currency as to Counts 73 through 75. A money judgment is hereby awarded in favor of the United States and against the Defendant for \$275,000.00. The Court further,

ORDERS that Defendant Anthony Dwayne Essett shall forfeit to the United

States of America \$233,399.71 (two hundred thirty-three thousand three hundred ninety-nine dollars and seventy-one cents) in United States currency as to Counts 76 through 82. A money judgment is hereby awarded in favor of the United States and against the Defendant for \$233,399.71. The Court further,

ORDERS that when the United States recovers from a Defendant the amount of the larger judgment awarded herein, that Defendant's obligation to the United States is satisfied, so that each Defendant's liability to the United States is limited to the amount of the larger judgment imposed by this preliminary order. The Court further,

ORDERS that pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the Attorney General or designee is authorized to seize the real property located at 13711 Cypress Pond Circle, Cypress, Texas 77429 and 3106 Spring Ridge Drive, Manvel, Texas 77578, pending further proceedings by this Court. The Court further,

ORDERS that the United States shall publish notice of this Order with respect to forfeiture of the real property and shall, to the extent practicable, provide written notice to any person known to have an alleged interest in the real property located at 13711 Cypress Pond Circle, Cypress, Texas 77429 and 3106 Spring Ridge Drive, Manvel, Texas 77578. The Court further,


ORDERS that any person, other than the above named Defendants, asserting a

legal interest in the real property located at 13711 Cypress Pond Circle, Cypress, Texas 77429 and 3106 Spring Ridge Drive, Manvel, Texas 77578 may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his/her alleged interest in the real property, within such time and in the manner provided by Title 21, United States Code, Section 853(n). If no third party files a timely claim, this Order as to the real properties shall become the Final Order of Forfeiture as provided by Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure. The Court further,

ORDERS that this Court shall retain jurisdiction to enforce and or modify this Order. Moreover, the United States of America may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order to substitute property to satisfy the personal money judgment in whole or in part. The Court further,

ORDERS that, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order shall become final as to all Defendants at the time of sentencing, or before sentencing if a Defendant consents, and shall be made part of the sentence and included in the judgment.

SIGNED at Houston, Texas, on this 1st day of February, 2006.

A handwritten signature in black ink, appearing to read "David Hittner", is written above a horizontal line.

DAVID HITTNER

United States District Judge